

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled Small and cysteine rich antifungal defensin and thionine-like protein genes highly expressed in the incompatible interaction

the specification of which (check one):

_____ is attached hereto
or _____

_____ was filed on _____
as United States Application No. _____

and _____
_____ was amended on _____

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application, as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under Title 35 United States Code §119(a)-(d) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below. I have also identified below any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

<u>Appl. Serial No./ Country</u>	<u>Filing Date</u>	<u>Status</u>	<u>Priority Claimed</u>
_____	_____	_____	Yes: _____ No: _____
_____	_____	_____	Yes: _____ No: _____

_____ Additional foreign applications are listed on an attached supplemental priority data sheet.

I hereby claim the benefit under Title 35, United States Code §120, of any United States applications or §365(c) of any PCT international application designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in those prior applications in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>U.S. / PCT Appl. Serial No.</u>	<u>Filing Date</u>	<u>Status/Patent No.</u>	<u>Priority Claimed</u>
<u>U.S. Pat. S/N 09/442,631</u>	<u>18 November 1999</u>	_____	Yes: <input checked="" type="checkbox"/> No: _____
_____	_____	_____	Yes: _____ No: _____

Additional U.S. / PCT applications are listed on an attached supplemental priority data sheet.

I hereby claim the benefit under Title 35, United States Code §119(e), of any United States provisional applications listed below :

<u>Application Number</u>	<u>Filing Date</u>
_____	_____
_____	_____

And I hereby appoint:

John C. Altmiller

Registration No. 25,951

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Registration No. 39,546

Judith L. Toffenetti

Registration No. 39,048

my attorneys, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please address all communications regarding this application to:

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Direct all telephone calls to:

Judith L. Toffenetti
at (202) 220-4200.

I hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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